

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:24-cv-00012-MR-WCM

CEDRIC JONES, )  
 )  
 Plaintiff, ) ORDER  
 v. )  
 )  
 WALMART DC 6070, )  
 )  
 Defendant. )  
 \_\_\_\_\_)

This matter is before the Court for case management purposes.

On January 17, 2024, Plaintiff filed a Complaint against Walmart DC 6070 (“Defendant”). Doc. 1.

On January 30, 2024, Plaintiff was sent a proposed summons and advised that he was responsible for ensuring that service on Defendant was made properly pursuant to the Federal Rule of Civil Procedure. Plaintiff was also advised that his deadline to effectuate service would be extended 90 days from the date of the issuance of the summons.

The summons was issued electronically on February 13, 2024, and therefore Plaintiff’s deadline to effectuate service expired on May 13, 2024.

The record does not indicate, however, that Defendant has been served with the summons and the Complaint.

Rule 4(m) of the Federal Rules of Civil Procedure provides that if a

defendant is not served within 90 days after a complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time, except that the court must extend the time for service if the plaintiff shows good cause for the failure.

**IT IS THEREFORE ORDERED THAT**, on or before **July 23, 2024**, Plaintiff shall either: 1) confirm that service has been made on Defendant, explaining the particulars and timing of that service, or 2) if service has not been made, show good cause for his failure to effect service on Defendant, as necessary to avoid dismissal of his claims against Defendant without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

Signed: July 2, 2024



W. Carleton Metcalf  
United States Magistrate Judge

